

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE

CHAPTER 13

WALTER M. DUNN, JR. A/K/A WALTER
DUNN,

CASE NO. 8-23-73807-ast ast

JUDGE: Alan S. Trust

DEBTOR.

OBJECTION TO CONFIRMATION

Robert W. Griswold, Esq., an attorney admitted to practice in this Court, affirms the following under penalty of perjury:

1. I am an associate with LOGS Legal Group LLP, attorney for LoanCare, LLC as Servicer for EverBank, N.A., (“Secured Creditor”) and am familiar with the facts and circumstances surrounding this matter.

2. Secured Creditor holds a mortgage on the Debtor’s real property known as 12 Laila Lane, Remsenburg, NY 11960 (the “Property”).

3. LoanCare, LLC will be filing a Proof of Claim for pre-petition mortgage arrears in the approximate amount of \$528,478.54. Debtor’s proposed Chapter 13 Plan makes no provision for full payment of the mortgage arrears in violation of Bankruptcy Code Section 1325(a)(5)(B)(ii).

4. The plan does not provide for the making of the regular monthly note and mortgage payments by Debtor as required by 11 U.S.C. § 1322 (b)(5).

5. The Debtor’s plan mentions a “Hardship Loan,” but it is not clear what the Debtor’s proposal is from the plan, or how speculative such a proposal may be.

WHEREFORE, the undersigned respectfully requests the Debtor to amend their Chapter 13 Plan to reflect the proper mortgage arrears as specified earlier or, in the absence of an amendment to the Plan, the undersigned respectfully requests an Order of this Court denying confirmation of Chapter 13 Plan pursuant to Bankruptcy Code Section 1325 and such other and further relief as may be just and proper.

Dated: November 9, 2023

Merrick, NY

/s/ Robert W. Griswold
Robert W. Griswold
LOGS Legal Group LLP
Attorneys for LoanCare, LLC as Servicer for
EverBank, N.A.
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CERTIFICATE OF SERVICE

The undersigned certifies that on November 9, 2023, a copy of Objection to Confirmation was caused to be deposited in an enclosed, properly addressed post-paid envelope, and served by ordinary U.S. Mail, postage prepaid, and/or electronically upon the following:

Debtor Appearing Pro Se
Walter M. Dunn, Jr. a/k/a Walter Dunn
Post Office Box 1034
Remsenburg, NY 11960

Trustee
Krista M. Preuss
Chapter 13 Standing Trustee
info@ch13kp.com

U.S. Trustee
USTPRegion02.LI.ECF@usdoj.gov

Dated: November 9, 2023
Merrick, NY

/s/ Robert W. Griswold
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